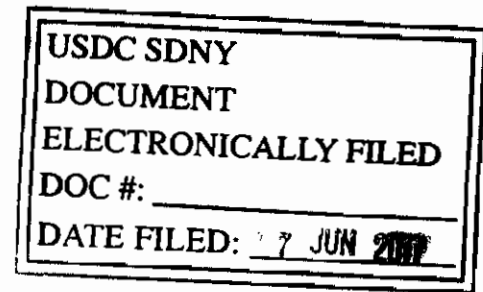


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June 24, 2011

By Fax: 212-805-6304

Hon. Paul A. Crotty
United States District Judge
United States Courthouse
500 Pearl Street, Room 735
New York, New York 10007-1312

Re: Iodice v. LIRR
10-cv-06430-PAC

Dear Judge Crotty,

I represent the plaintiff in the above-referenced matter. Defendant has produced the remaining witnesses requested by plaintiff for examination before trial and I expect to deliver expert disclosure within the next ten days. I am writing because the plaintiff's orthopedist has advised him that he needs surgery on his other shoulder and has causally related the need for surgery to the occupational exposure that is the subject of the pending action. My client is currently awaiting authorization for surgery. Under the circumstances, I believe it necessary to delay the close of discovery to permit defendant to obtain an IME after the upcoming surgery. In addition, defense counsel would like to have another deposition of the plaintiff on damages only after surgery. I have no objection to that request.

✓ For the foregoing reasons, the parties respectfully request that the scheduled pre-trial conference set for July 5, 2011 at 3:15 pm be adjourned without new date and that plaintiff's counsel write a status report to the Court in 45 days. Your understanding will be greatly appreciated.

Respectfully,

Ira M. Maurer, Esq.

IMM/im

Cc: Tom Chiofalo, Esq.

By: Fax: 718-558-8211

MEMO ENDORSED